

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: June 28, 2005
Public Hearing: July 19, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 2

SUBJECT:

An Ordinance granting Special Permit No. ZON05-00038, To allow for a parking reduction on the property described as Lots 1 through 5 and a portion of Lot 6, Block 106 ½, Highland Park Addition, El Paso, El Paso County, Texas, pursuant to section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.
Applicant: Plaza Properties. ZON05-00038 (District 2)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00038, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1 THROUGH 5 AND A PORTION OF LOT 6, BLOCK 106 1/2, HIGHLAND PARK ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Plaza Properties has applied for a Special Permit under Section 20.64.175 of the El Paso Municipal Code to allow for a parking reduction;

WHEREAS, the requirements of Section 20.64.175 have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in the C-2 (Commercial) District, requiring twenty-two (22) off-street parking spaces to serve a proposed church and an existing apartment;

The East 15 ½ feet of Lot 20 and the West 19 feet of Lot 21, Block 32, Franklin Heights Addition, El Paso, El Paso County, Texas; and

2. That the City Council hereby grants a Special Permit under Section 20.64.175 of the El Paso Municipal Code so that the parking requirements described in Paragraph 1 of this Ordinance may be satisfied with a parking reduction as described in Paragraph 3 of this Ordinance;

3. That the City Council hereby grants a Special Permit under Section 20.64.175 for a parking reduction of 100%, so that the property, required to provide twenty-two (22) off-street parking spaces, can satisfy the parking requirements by providing zero (0) off-street parking spaces;

4. That this Special Permit is issued subject to the development standards in the C-2 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes;

5. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON05-00038**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of July, 2005.

THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

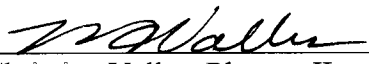
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



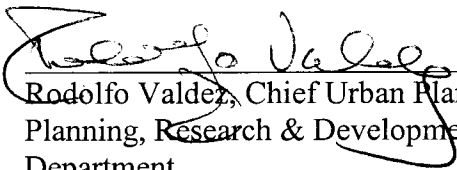
Matt Watson, Assistant City Attorney
Doc No. 13773

APPROVED AS TO CONTENT:



Christina Valles, Planner II
Planning, Research & Development
Department

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

AGREEMENT

Plaza Properties, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the C-2 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 21st day of June, 2005.

Mike Dipp

(signature)

MIKE DIPP, JR - Partner

(name/title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)

)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this 21st day of June, 2005, by MIKE DIPP JR as Applicant.

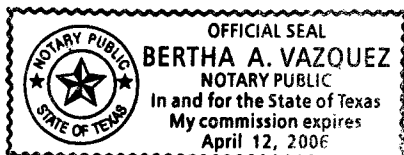
My Commission Expires: 04/12/2006

Bertha A. Vazquez

Notary Public, State of Texas

Notary's Printed or Typed Name:

Bertha A. Vazquez



Property Description: All of Lots 1 through 5 and portion of Lot 6, Block 106 ½ , Highland Park Addition, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is all of Lots 1 through 5 and portion of Lot 6, Block 106 ½ , Highland Park Addition, El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the intersection of the monument lines of North Piedras Street (70' right-of-way) and Richmond Avenue (70' right-of-way), said monument lines being 10-foot north and 10-foot east of their respective centerlines; Thence, North 90° 00' 00" West, a distance of 45.00 feet to a point; Thence, South 00° 00' 00" East, a distance of 14.03 feet to a point lying on the intersection of the westerly right-of-way line of North Piedras Street and the southerly right-of-way line of Richmond Avenue, said point being a set "X" mark on sidewalk, also being the TRUE POINT OF BEGINNING of this description;

THENCE, South 00° 00' 00" East, along said right-of-way line of North Piedras Street, a distance of 120.00 feet to a point lying on the northerly right-of-way line of a 20.00-foot alley, said point being a set nail;

THENCE, North 90° 00' 00" West, along said right-of-way line, a distance of 130.00 feet to a found 5/8-inch iron pin;

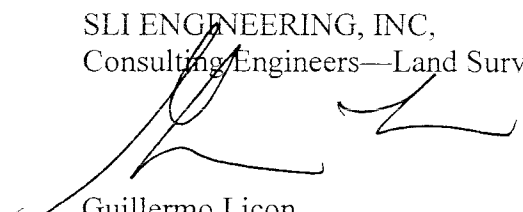
THENCE, North 00° 00' 00" West, a distance of 120.00 feet to a point lying on the southerly right-of-way line of Richmond Avenue, said point being a found 5/8-inch iron pin;

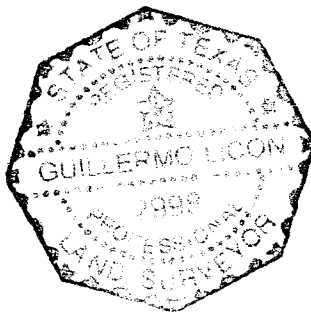
THENCE, South 90° 00' 00" East, along said right-of-way line, a distance of 130.00 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.358 acres (15,600 sq. ft.) of land more or less.

A PLAT OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC,
Consulting Engineers—Land Surveyors


Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



June 14, 2005
Job Number 06-05-2321

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00038

The City Plan Commission (CPC), on June 16, 2005, voted **7 - 0** to recommend **APPROVAL** of this special permit request for parking reduction, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request is in the best interest, health, safety and welfare of the public in general.

There was **NO OPPOSITION** to this request.

Attachment: Location Map

STAFF REPORT

Special Use Permit #: ZON05-00038

Property Owner(s): Plaza Properties

Applicant(s): The Lord's House of Prayer

Representative(s): Adrian Sinke

Legal Description: All of Lots 1 to 5 and the East 5 Feet of Lot 6, Block 106 1/2 Highland Park

Location: 2115 to 2121 N. Piedras

Representative District: #2

Area: .36 Acres

Zoning: C-2 (Commercial)

Existing Use: Offices

Proposed Use: Reduction of Parking

Spaces Required: 22

Spaces Provided: 0

Number and % Reduced 22 (100%)

Recognized Neighborhood Associations Contacted: Manhattan Heights Neighborhood Association,
Five Points Neighborhood Association,
Central Neighborhood Association

Surrounding Land Uses:

North -	C-2 (Commercial)
South -	R-3/h (Residential/historic)
East -	R-4 (Residential)
West-	R-4 (Residential)

Year 2025 Designation: Mixed Use (Central Planning Area)

Special Use Permit: ZON05-00038

General Information:

The applicant is requesting a special permit to allow for a 100% Parking Reduction for a proposed church and existing apartment. The property is currently zoned C-2 (Commercial). The site is currently used as offices and apartment and is .36 acres in size. The proposed site plan shows an existing structure located on the site. Access is proposed via Richmond Avenue; zero (0) parking spaces are provided. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Department has received two (2) calls and one (1) letter in opposition to this request.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends approval of this special permit request with the following comments.

“That the Detailed Site Development Plan be updated before the City Plan Commission meeting.”

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the Central Planning Area designates this property for Mixed-Use land uses.

C-2 (Commercial) zoning permits Parking Reduction by special permit.

The Commission must determine the following:

Will the special permit for Parking Reduction protect the best interest, health, safety and welfare of the public in general?

Information To The Applicant:

Building Permits and Inspections Department Notes:

No comments.

Engineering Department, Development Division Notes:

1. No concerns.
2. Site location is **not** located within a Special Flood Hazard Area, Zone **C**, Panel **33 B**.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

No comments.

El Paso Water Utilities Notes:

No objections.

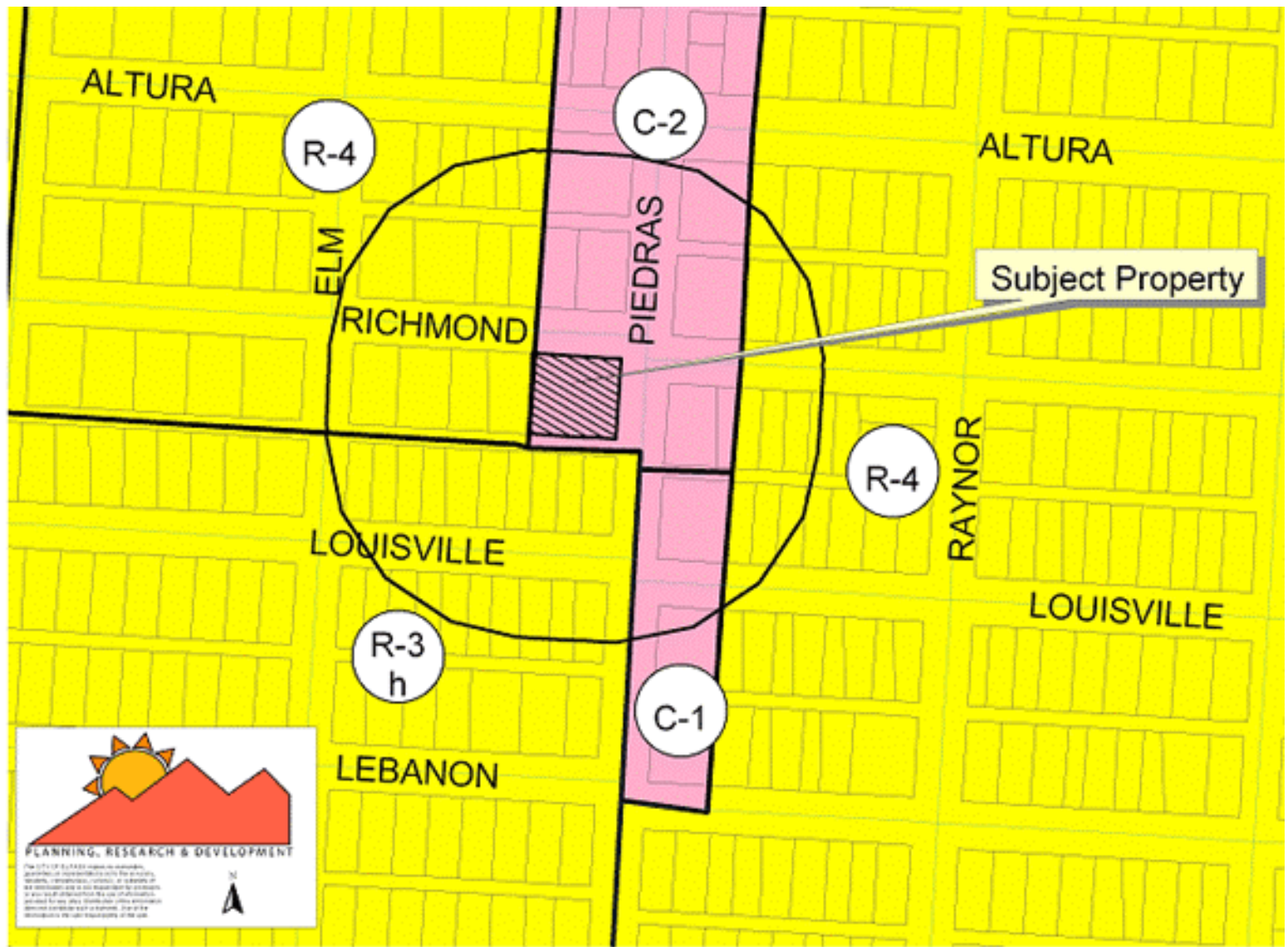
Planning, Research & Development Department Notes:

Recommended approval of this Special Permit for a 100% Parking Reduction.

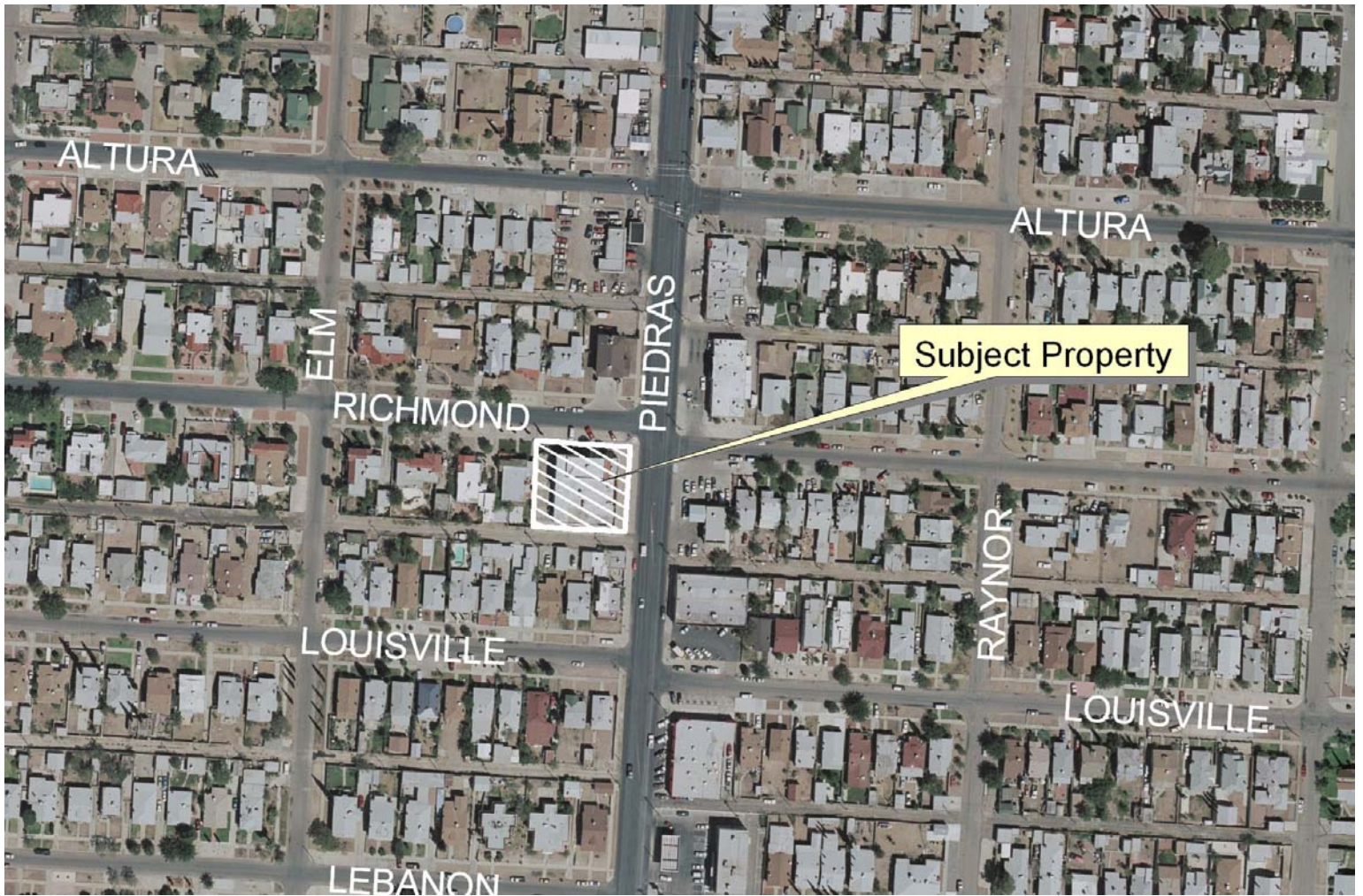
ATTACHMENT: Site Plan; Location map.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT AT (915) 541-4056.

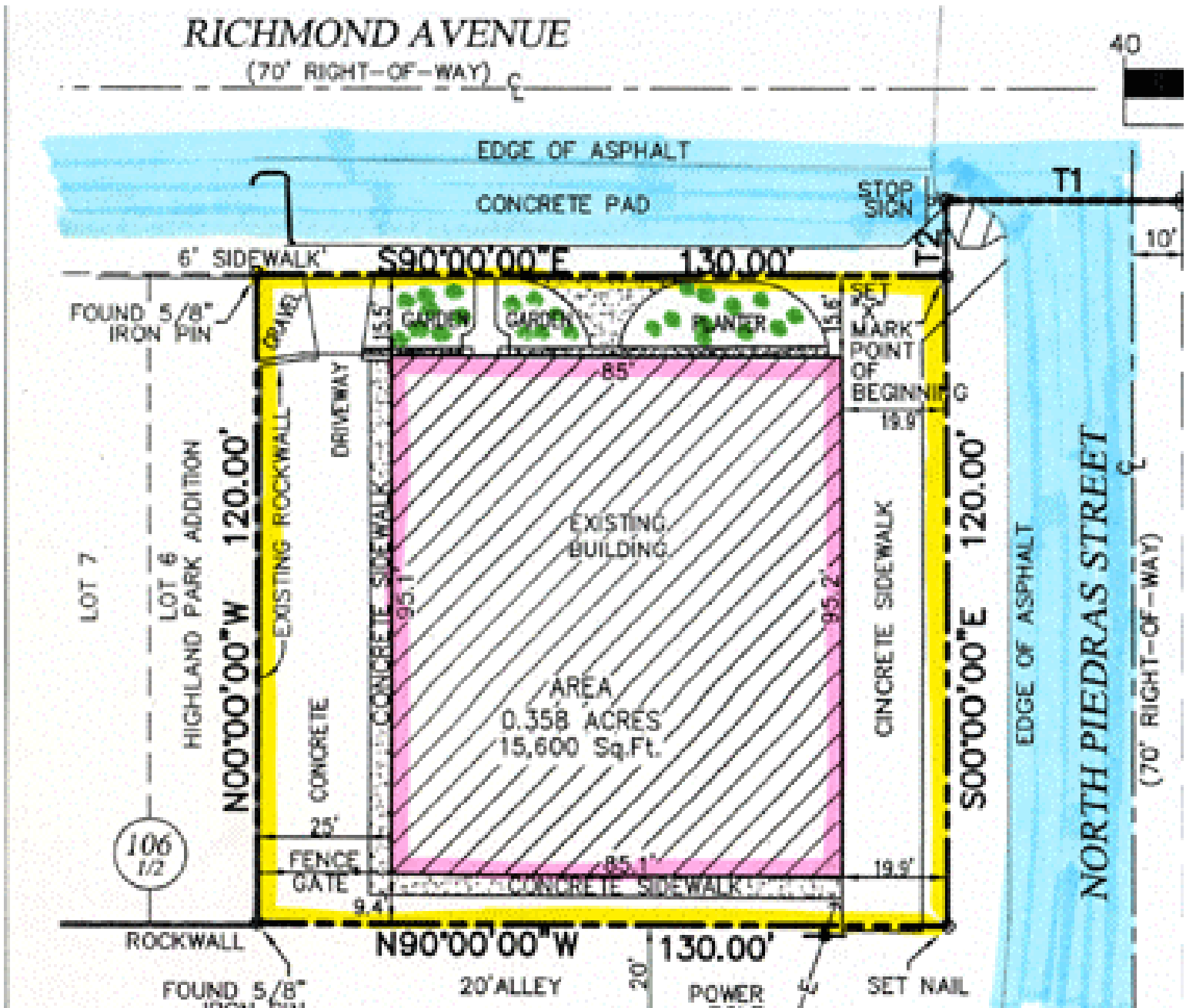
LOCATION MAP



AERIAL MAP



GENERALIZED PLOT PLAN





Five Points Neighborhood Association
Zoning Review Committee
Recommendation on Zoning Change Application

Zoning Review Committee

Jim Erickson
Alberto Rivas
Xeorxe Cadena

Application Review Report: Case No. ZON05- 00038

Location: 2115 to 2121 N. Piedras

Legal Description: Lots 1 to 5 and the East 5 Feet of Lot 6,
Block 106 ½ Highland Park

Request: **Special Permit** to allow a parking reduction.

By: Plaza Properties

Introduction

It is the goal of the Five Points Neighborhood Association to encourage improvements that will enhance livability and the urban environment within the Association boundaries, and to attract new businesses, jobs and residents to our central community. This application has therefore been reviewed and evaluated by members of the FPNA Zoning Review Committee.

Comments

We have determined that this proposed use is not wholly compatible with the goals and guidelines laid out in the Five Points Neighborhood Plan and Design Guidelines. Since this application has raised a number of concerns about the potential impact of this proposed operation in addition to the main issue of the amount of parking required for church use, we recommend that a **SPECIAL PERMIT** to allow a parking reduction **NOT BE GRANTED** to this applicant.

Because Five Points was once a mixed-use area with small businesses scattered throughout the residential areas, we are open to businesses locating here under the following conditions:

- A business ideally should have a neighborhood serving component that will attract local residents as potential customers and it must be open during normal business hours.
- Any nuisance or danger created by additional traffic must be mitigated to the satisfaction of nearby residents, such as

with the addition of a crosswalk at an intersection, or with sidewalk improvements.

- A business must not negatively impact the character of the neighborhood by drastically altering the structure, eliminating landscaping, paving over large surfaces or installing inappropriate signs, or fences.

This site does not contain sufficient parking for a church use as stated in the Zoning Ordinance with the potential result that effects of the excess parking in the immediate area will adversely affect the character, safety and well-being of the neighborhood. Since this is a mature and established neighborhood, there is no feasible way in which any nuisance or danger created by additional traffic and parking on the surrounding streets can be mitigated to the satisfaction of nearby residents.

The proposed new use for this existing building will be a church and free medical clinic. Other uses such as a technical school will potentially also operate at this site.

The potential size of the congregation is undetermined. It is unclear at this time whether it will be likely to attract local residents since this church is not being established by any local community but rather by an out-of-state organization with a local representative.

The Five Points district is home to many established churches with characteristic and historic structures originally designed as church buildings. The converted use to a church of this prominent building not originally designed as a church will likely negatively impact the character of the neighborhood, especially if it entails drastically altering the structure or façade, eliminating landscaping, paving over large surfaces, or installing inappropriate signs or other features.